

**Meeting Summary
DNR Clean Air Act Task Force
April 8, 2002 - Madison, WI**

Participants: Ernie Stetenfeld, AAA of Wisconsin; Jim Beasom, Appleton Papers, Inc.; Hank Handzel, DeWitt Ross & Stevens, for Printing Industries of Wisconsin and WI Paper Council; Bob Fassbender, Hough Fassbender Osborne & Associates; Jeff Schoepke, Wisconsin Manufacturers & Commerce; Patrick Stevens, Wisconsin Transportation Builders Association; John Mooney, U.S. EPA Region 5; Patrick Vander Sander, Rep. Joseph Liebham's office; Corey Dolezalek, Rep. Jeff Stone's office; Tom Reed, Manitowoc Public Utilities; John Stolzenberg, Legislative Council; Kim Zulliger, Alliant Energy; Dee Olson, Sheboygan County Chamber of Commerce; Nicole Anderson, Wisconsin Clean Cities; Laurie Palchik, Stephanie Hickman, Federal Highway Administration; WI Dept. of Administration Division of Energy; Rose Casey and Jerry Medinginer, Wisconsin Dept. of Transportation; Pam Christenson, WI Dept. of Commerce; Sally Jenkins, Public Service Commission of Wisconsin; Harold Frank, Dairyland Power Cooperative; Lance Potter, DNR Bureau of Management of Budget; Peter McMullen, DNR Southeast Region; Gwen Judson, Anne Bogar, Muhammad Islam, Mike Friedlander, Chris Bovee, Lloyd Eagan, Larry Bruss, Bob Lopez and Anne Urbanski, DNR Bureau of Air Management.

Handouts/Overheads: (1) 8-hour ozone redesignation and maintenance plan update - Larry Bruss. (2) 8-hour ozone National Ambient Air Quality Standards (NAAQS) litigation: implications of March 26, 2002, ruling by the U.S. Court of Appeals for the D.C. Circuit - Larry Bruss. (3) Ozone redesignation and maintenance plan update - April 2002 Inter-Agency Air Quality Task Force meeting - Bob Lopez. NOTE: All handouts/overheads are available on the DNR's Web site at: http://www.dnr.state.wi.us/org/aw/air/hot/1hr_redes/index.htm#april

Next meeting: Thursday, March 13, 2003, at 9:30 a.m. in Room 027, GEF 2, 101 S. Webster St., Madison. See agenda on the website at: <http://www.dnr.state.wi.us/org/aw/air/hot/TaskForce/tf030313agenda.pdf>

Presentation/Discussion

Minutes from last meeting (2/7/2002):

Bob Fassbender - last paragraph, concerning maintenance plan, should say "unclear" rather than "clear". Please fix before posting minutes to website.

Informational Item on DC circuit court decision on the 8-hour ozone and PM_{2.5} standards

- Bruss- put on agenda to inform you and to clarify certain things that appears in the press. Media coverage was woeful at best, but one Green Bay Press Gazette reporter got it almost 100% right. Newspaper stories in Madison created problems for us. Fassbender – case is not ambiguous. Bruss – they got confused with the multi-pollutant legislation etc. Eagan – we did share talking points with the press but they didn't stick with them.
- Bruss - What did DC circuit court do? Denied industry petitions on 8 hr ozone standard and denied industry and environmentalists' petitions on particulate standard. Said the standards were not arbitrary and capricious. Said EPA had enough information and went through enough public process so that both standards are supported by the record and may stand. Does not clear up all remaining issues with this standard. Still two outstanding issues with ozone – US Supreme Court ruling about a year ago said EPA can have 8 hr ozone std but must make implementation look a lot like what's in 1990 CAA Amendments – what Congress said to do. Must make 8 hr standard fit. So EPA has to go through a developmental process:
 1. Develop an implementation plan and take out for comment (rulemaking) – expect summer or early fall 2002. Do proposed rulemaking, take public comments, work out details, make changes to it, come up with final plan in summer 2003 – and then be sued on it. EPA figures virtually certain they will be sued on this.
 2. Issue of ultraviolet radiation. We know that ozone protects us from UV radiation, the stratosphere does that. Industry argued that ground-level ozone has same capability of

protecting from UV radiation. EPA did not challenge that. Supreme Court never ruled on it. So lower court ruling stands on that. EPA already proposing that there's not enough ground level ozone to create enough protection against skin cancer.

For fine PM standard, 1997 presidential proclamation or something that said **do not** implement standard until re-evaluate standard as supposed to do every 5 years. EPA is doing this, proposal out as "draft criteria document", expect to finish roughly 12/2003. Kind of puts ozone and fine PM on relatively same time-frame. Sounded like court was getting irritated with industry petitions on this. Court may rule relatively quickly if EPA does a good job supporting UVB and supporting implementation plan.

What does it mean for air quality? Important victory, paves way for implementing standards. 12 counties that could be designated 8 hr n/a areas. Door down to Kenosha, plus Waukesha, Jeff, Rock. And Washington County would probably be included because it's in the Milwaukee CMSA.

- FASSBENDER – designation in 2004. Does that mean 2001-02-03 data likely will be used? YES. EPA's rulemaking can stretch 9-12 months, so we could substitute newer data if necessary. FASSBENDER – 12 counties are based on 99-00-01? Yes. EAGAN – designation depends on how things shake out in future.
- BRUSS – what this means for 8-hr implementation? EPA must figure out how to deal with subpart 1 of Title I and subpart 2 of Title I. Subpart 1 is older version – "do whatever is necessary to achieve attainment" – while subpart 2 is newer and more restrictive. It's a major hurdle for EPA. And decide on appropriate measures to be implemented. E.g. marginal N/A areas were supposed to do stage 2 vapor recovery – but newer vehicles have onboard capture – essentially does the same thing, so is stage 2 appropriate in 2005-06 or later? Or should it continue to be installed to capture remaining older vehicles in fleet? EPA needs to look at these.
 - PAT S – Larry or John? Will those be addressed in rulemaking for subpart 1? JOHN
 - MOONEY – proposal will probably include info on how to designate areas. Also transition from S2 as applies from 1 hr to 8 hr.
 - HANK H – are major source cutoffs likely to remain the same? MOONEY – separate action, but CAA does specify MS cutoffs. Does have implications for NSR. That is hardwired into CAA – to extent have moderate, serious, severe etc.
 - FASSBENDER – control requirements would relate to new areas. As existing N/A areas come into compliance, do they continue to have existing requirements? Would this be more relevant to new counties being designated? MOONEY – hard to say. Doesn't know how EPA will set up transition of moving 1 hr areas to 8 hr areas – what about ones that are clean, those that never quite made it, etc.
- **BRUSS – Four other issues important for resolution:**
 1. Attainment dates -- Scenario 1 gives 10 years to attain or more if severe. EPA has several proposals and virtually all of new areas would fall into "moderate" or "marginal" categories, which shrinks time frame for areas affected by transport especially, e.g. Kewaunee County.
 2. Can't control pollution coming in, rely on upwind ozone controls to bring own areas into attainment.
 3. Texas is very interested in credits for early reductions – not identifying areas as N/A if they implement an early plan. Texas has been very vocal about this for several years, also home of president and lots of electoral votes, lots of pull. Eagan – proposing a voluntary implementation plan; "please don't designate us."
 4. Also need to deal with conformity – transportation and general conformity, and new source review.
- EAGAN -- So lots of really big issues here, not a simple rulemaking. Larry's been on calls with people across the country. States are all over the map on how to deal with this.

- PAT STEVENS – Does the state of WI have any positions yet in those meetings? BRUSS – nothing formal yet. In a “group of 8” state organization. Primary sounding board for EPA right now. Generally we support more of a SUBPART 2 context. Think would level playing field. Also think it’s pretty effective. Also, think EPA needs to do this to prevent never-ending litigation. Plus we’ve already done all this stuff. Time for everyone else to do it too. So lots of good reasons to follow S2 instead of S1. Have said this on several conference calls. Northeast states tend to support, but not other areas looking for major (?) flexibility” so they can do what they want.
- FASSBENDER – rate of progress reductions seems to be an issue of the baseline years. Where going? What is DNR’s position? BRUSS – all areas that have done the 15% plan etc. – folks saying that should all count, “We’ve give at the office” – we support that from VOC perspective. Don’t think it’s the right thing and would be very difficult. So we are generally supporting a baseline within designated monitoring period of 2002. Will need to do a very good inventory that year. FASSBENDER – so if they use 2002 as baseline, S2 says 15% VOC reductions for 1st 6 years – that would not apply to those areas that already did VOC reductions? So would it have to be done in newly designated areas? BRUSS – that needs to be decided. Milwaukee saying already did 15% VOC reduction in early 1990s. So we’d have ROP based on VOC + Nox combination. FASSBENDER – Rock Co. has not done VOC reductions. Would they have to do it or not? DNR’s position? BRUSS – thinks won’t be that hard to show for Rock Co. mostly with Tier 1 vehicle changeover and Tier 2 vehicles and low-sulfur fuel. Think it might not be extremely difficult. FASSBENDER – so for southeast WI 3%/year or what? EAGAN- they don’t know. BRUSS – worked for 1990 CAA; looks like a logical starting point. FASSBENDER – EPA seems to think doesn’t make sense to mandate new VOC reductions. MOONEY – definitely say that for southeast WI, shifting to NOx control and more regional controls for that area. But we’re getting lots of input, one thing coming out clearly is to make look like S2 and avoid court challenges.

What happens now?

- BRUSS – Larry outlines the schedule from 7/02 through 2004. DNR hoping to submit ozone, fine PM and haze as a unified plan to EPA. Enviro think this is delaying. DNR thinks we are working with the same basic sources, more efficient and intelligent to coordinate it. Things that can be done to avoid nonattainment. Designation? E.g. Rock Co. is right on the N/A border. We are limited by state statutes on control programs, but can implement some stuff voluntarily or multi-poll legislation could help reduce emissions maybe soon enough to achieve attainment before ever designated. Looks like 2001-2-3 date or 2002-03-04. Would have to do stuff very quickly to affect ozone concentrations.
- FASSBENDER – catch 22 again. What if we do voluntary measures before ROP baseline years and are still in violation? Any assurances the voluntary measures can be credited to ROP? MOONEY – look at what EPA doing with Texas and some other areas. EPA says will count voluntary measures in context of 8-hr std. EPA will at least look at them. Came out with in writing a few weeks ago. Agency interested in recognizing efforts to meet 8 hr std. EAGAN – Jeff Holmstead (EPA air administrator) – has pledged to ECOS commissioners that voluntary measures will be credited. We think our Voluntary Emission Reduction Registry will help us demonstrate that emissions are done and have been registered. MOONEY – WI doing more voluntary reductions than almost anyone.
- HANK – what about PM 2.5 nonattainment areas? Projections? BRUSS – if EPA stays on schedule with reevaluation and finishes at end of 2003, EPA could work to designate for ozone and 2.5 almost simultaneously. HANK – any projections on areas that will have a 2.5 problem? BRUSS- There are 2 areas just below the standard for annual avg. concentration - Milwaukee central city (e.g. near 16th street health center) and Waukesha site. Also possibly a fire station in downtown Milwaukee. The annual average standard is 15 ug – these sites are

above 14.5 ug. HANK -- any monitoring sites in central WI? BRUSS – put monitors all over state wherever thought might have high concentrations – but not getting anything elsewhere. Mostly 12-13 ug elsewhere. Generally big-city – Green Bay is next highest. But no problems near quarries, paper mills etc. Seems to be a large regional problem with big cities contributing from diesel emissions and human activity. NOT very related to point sources. EAGAN – conceivable we won't have any PM2.5 nonattainment areas. BRUSS – likely we won't, unless have a significant boom in economy and lots of new diesel vehicles. EAGAN – different story than 8-hr ozone where anticipate widespread problems. Very different than in IL and IN. Note we might need fine particle control in WI from haze and transport perspective because we contribute to problems south of here.

LOPEZ – Ozone redesignation & maintenance plan. Why are we proposing redesignation? Why doing this in light of 8 hr standards coming back etc.? Have met some important milestones. We met attainment through 3 yr. window as required for 1 hr standard; pat selves on back for this. Want to level the playing field for economic development etc. in ways it hasn't been for a long time. Need to get on with the 8-hr standard. What we are in process of doing for redesignation and what we need to do: We are 3½ to 4 years ahead of our attainment window. Must persuade EPA that the air quality improvements come from permanent measures and that we can respond if fall of wagon. **Required state actions:** Develop technical documents, hold formal hearings, public notice when Federal action changes state requirements. While federal requirements – lists those. Does not go through 2-step state process. We will take our package out to hearing if there are no significant comments. Key elements of maintenance plan: submit emission inventories, demonstrate attainment for 10 years, and commit to maintain monitoring network. Means must maintain scope and breadth of network. Other elements – verification of continued attainment (control authority in place), contingent control ms plan, commitment for revised main plan in 2010 for 2012-22. **Contingency plan** – meat and potatoes other than inventories. Measures must be clearly identified. Solid trigger for making them happen. Major issues – geography of triggering, geography of control responses, timing and scope of contingent responses. Must be enforceable and permanent if invoked; examples discussed with different stakeholders.

- FASSBENDER – when? Who? LOPEZ – mentioned these the last 2 times. ERNIE STETENFELD – not saying there is consensus in group on these? LOPEZ – No. This is just a laundry list.

Regulatory requirement is for state to act w/in given window off a list of measures.

LOPEZ – back to list. Started this just 6 months ago. We're in an active dialog with other states, EPA involved too. Submitted AQ data to AIRS, fully improved. A bit behind on developing maintenance inventories. Anticipate a public hearing in mid-June. Probably 2, 1 in Manitowoc and 1 in Milwaukee. June 12-13. Timing? Want to get through process as rapidly as we can.

- MOONEY – means that while information is out for hearing, we will be working on this stuff simultaneously so EPA can publish info ASAP after hearing. LOPEZ – issue is how fast conformity budgets are put together. Has to do with funding cycle for transportation moneys. Also has to do with switching new sources from NSR to more general PSD RACT or whatever. Process typically takes about 12-14 months. Where are we at right now? This group is our core stakeholder process for this effort.

LOPEZ - What is the maintenance plan? Must demonstrate that air quality has improved enough. SIP must be whole; inventories must show control programs are reducing emissions; we must establish contingent emission control plan if needed, and formally update conformity budgets.

What did we do? Met 124 ppb (just barely). Design value is consistent with Wisconsin's regional air quality trend. Feel we can demonstrate maintenance through 2007 attainment demo. Our magic hurdle to stay below. Overhead – five critical AQ monitors in Wisconsin – Chiwaukee, Bayside, Sheboygan, Manitowoc & Newport Beach. 1987-89 – through 1999-01 – in 3 year rolling averages. In middle of

1990s started to see increasing(?) design values, long term weather patterns and changes in VOC/NO_x ratios. But feel the big drop is due to significant drop in VOC emissions across region. RACT, cleaner gasoline etc. Trend less good for 8 hr but hope it's leveling off and down. Longer trend than we've been able to work with previously.

- FASSBENDER – in addition to monitored results, does DNR have a correlation to inventories and projected inventories? E.g., through the NO_x SIP call? LOPEZ – built into our maintenance plan. BRUSS – have 1990, 1999, 2000, 2007. SIP related programs – monitoring program, approved permitting program, viable inventory reporting structure for point source reporting. Have people working on SIP planning and developing authority to do rules, appropriate conformity structures, and enforcement power. In terms of specific ozone SIP, “subpart 2” – some prescribed measures for our areas – four levels of RACT controls, Stage 2 vapor recovery. Also some heightened offset requirements, final 15% ROP plan, later ROPs all fully approved. Attainment demo requirement. Additional modeled attainment component. We have included all of these in our plan.
- FASSBENDER – IN and IL both have NO_x SIP call requirements. Are they using their NO_x SIP call requirements for ROP? Yes, why wouldn't they? LOPEZ – ROP IS required, mandated. If don't have in place, John Mooney can't review our redesignation request. FASSBENDER – has read requests where says not required prospectively. LOPEZ – this is first severe area going for redesignation, hurdle is higher. MOONEY – reason why hurdle is higher, in prior redesignations said could waive ROP. BUT have separate requirement under CAA that says cannot approve a plan that (what?). FASSBENDER – restating position: ROP was modeled but not necessary to meet attainment. But we are in attainment now, don't need it any more to reach attainment. Everyone here knows that those were excess emission reductions not necessary to reach attainment. Revisionist history here. Based on what he has seen from EPA, if ROP is not necessary to reach attainment, then not needed in maintenance plan. LOPEZ – we didn't have any extra emission reductions; we just barely made it. FASSBENDER – what about other states? BRUSS – they didn't have a modeled demonstration of attainment. LLOYD – we can't just depend on the air monitors because we got some lucky weather breaks last year. Must demonstrate that we have emission reductions that will keep us there. Still doing less than IL & IN. FASSBENDER – but we are in modeled attainment now. DNR said ROP is excess emission requirements, not necessary to show attainment. So for 1 hr attainment no reason to do ROP in future, though may want to do in future. LLOYD- her understanding is we need a formal decision from EPA to not continue with ROP. BRUSS- we decided a long time ago to continue ROP, Bob's issue was to make it not federally enforceable.
- FASSBENDER –two main problems we haven't addressed. We are beating a dead horse but we must bring it up. Statutory prohibition on putting things in SIP that are not specifically required by federal law. MOONEY – ROP applies now. FASSBENDER – mean prospectively. ALSO, if do ROP now, what assurances that we will get credited later? E.g. Would appear won't get credit for reductions unless push toward ROP. No assurances that 1-hr ROP reductions will be creditable. EAGAN – we DO have assurances they will be creditable. MOONEY – hearing from EPA leadership that anything we're doing now will be looked at. LLOYD – not that complicated. We still have to do more to get to clean air. Get on with it. FASSBENDER – if we start new on a baseline, does not include – we almost certainly won't get credit for any new ROP we do before the new baseline. Says these 2 issues have not been resolved though DNR keeps glossing over them.

LOPEZ – INVENTORY discussion. 4 different inventories. Lots to pull together. A) historic baseline inventory 1990 – what was there in 1990. Our best estimate – did that around 1993. Significant changes to inventory techniques, models etc. So had to do backwards and forwards truing up. How approaching – have consistent approach where possible, and use some backcasting from

better later years. B) 1999 inventory – one of the 1999-2001 design value years, most consistent with milestone/ ROP timelines. ISSUES – had to be careful about consistent assumptions.

For 2007 modeled attainment inventory had to show – that maintenance demo is consistent with recently approved attainment demo – consistent assumptions. And demonstrate real, permanent enforceable etc. reductions. For 2012 inventory – must be lower than 1990 and 1999 comparison years, must have consistent forecasting assumptions, and must capture how new non-road engine standards impact the fleet emissions. Essentially establishing a new milestone and new conformity assessment here. Table showing Total VOC tons per hot summer Day. 1999 figure for Kewaunee seems out of place but rest seem very solid. Total NOx Tons per hot summer day chart. Instead of downward trend, some counties had slight increase for 1999. Part of reason is that a lot of NOx control doesn't impact until 1999-2007.

- FASSBENDER – 2007 is what we need to model. But going to 1999 we are in attainment (?). Why do we have to get down to substantially lower level when know we are in attainment at higher level. He says we don't need those reductions. Talking prospectively. We don't need those additional reductions. BRUSS – we showed graphic from a 3 day period in June 1999 – had thunderstorms not hit at precisely the time they hit we wouldn't be here talking – we got very lucky – we don't have enough emission reductions to guarantee that we maintain the standard. FASSBENDER- why relevant? BRUSS – were extremely lucky, just barely made it. EAGAN – VOC measures already in place did great job of getting down spikes. Related to 1 hr. – 8 hr more related to NOx reductions. Also if had enviros here they would say need stricter controls, people's health is at stake, and we have no business taking anything off the books. We've heard your viewpoint. HANDZEL– sitting here being quiet but he's not alone. FASSBENDER- you're talking about what needs for 1 hr attainment, not what want. EAGAN – in our professional opinion and EPA's opinion, this is what we are required to do. JOHN – from EPA's standpoint, scientific evaluation shows 1999 emissions are not adequate too maintain ozone standard in average summer, not a cool summer like 2001.
- FASSBENDER – reflect regional reductions? Yes. Seeing substantial reductions still for VOCs. LOPEZ – can't depend on that driving down VOC levels. MOONEY – seeing information that suggests Wisconsin could violate standard in 2002 – but saying won't come knocking on door for additional contingency measures till see how existing measures work.
- PAT S - so we are losing in essence a bad year (?) to get to attainment. So how many exceedances must happen before can't go forward? MOONEY- maybe 2, 3 would put over. BRUSS- only need 125 ppb 3 days in a row.
- JIM BEASOM – 1990-99 had good reduction from VOCs, could say only due to VOC not NOx, could do more good with more VOC reductions? JIM – haven't shown NOx reductions are doing any good. BRUSS – we have modeling that shows NOx reductions will do this. EAGAN – we're now at \$10K/ton VOC controls, not cost effective.

LOPEZ - Regional Contingency plan – geography & approach – discussed how trigger controls. Commitment made on an evaluation- based process. Any added controls triggered to address 1 hr ozone maintenance will be chosen and focused through a WI-IL-IN dialog. Would not approach as Wisconsin only.

- PAT – why not give states flexibility to use most appropriate contingency plan? LOPEZ – could do but get regional approval (?).

TIMING – relatively short window, 18-month process. Have to do evaluation and then comprehensive modeling process. EPA pushing back saying must know controls will happen in a reasonable window (defined through ROP timing). Structure is set up so farther out you are and worse the violation, the faster the response. Outlining the timing of commitment to regional AQ and emission trend evaluation. What triggers evaluation and when.

- FASSBENDER- are these the same triggers as before in evaluation? LOPEZ – just because evaluation is triggered does NOT mean control is triggered, just looking at. But note, a violation automatically triggers evaluation in 2008-12. Listed contingency measures slide - 2005-07 – want to make sure that certain programs are noted, fed tier 2 tail pipe, diesel, NOx I/M.
- PAT S – those things are in pipeline anyway. So what is purpose of having them in contingency plan? BOB – just to show we are covering that period. But those are already in the works. EAGAN – we do get credit for them.

LOPEZ – in 2008-12 time frame we have to identify new “potential” contingency measures listed in regional maintenance plans e.g. IL, IN. Looking at measures across the various sectors. E.g. lowering RACT threshold, tightening existing RACT requirements, expand geography back to old 18-county area, new or added NOx control levels, narrow gap in NOx control between Wisconsin and some other states. Reality is probably will be covered by multi-pollutant control on national level, or the 8 hr ozone std. PROBABLY nothing will happen with this list. Probably will be moot. More frequent mobile source testing, OBD, tailpipe, etc. Would adopt only if showed a regional benefit. This is a very complete LIST. We have to identify these as real measures possible impact and when.

- HANK - once in plan, how federally enforceable is it? MOONEY – not until state chooses it. We encourage state to put laundry list in, give maximum flexibility in case they have to do something. More to choose from. HANK -- so EPA could not come back and tell Wisconsin to add stuff to the list. MOONEY – if see a violation only obligation is to do ONE measure from the list. Individual states do not have to do same measures. LOPEZ – would have to do enough as a region, could be combination. MOONEY – other areas chose exactly ONE measure, when time came to implement it wasn't what they really wanted or needed to do. LOPEZ – NOT everything we could think of – it's everything we could agree to with the other states. BRUSS – what we agreed to regionally.
- FASSBENDER- one thing that raises a flag – triggering of an evaluation before a violation. Most people see this as measures to kick in IF there is a violation, but DNR sees as an early warning system to do an evaluation of list to see what could need to be done. That evaluation could lead to a regulatory requirement BEFORE there is a violation. Is there some way to have early evaluation so it's a non-federal SIP requirement? Get together with stakeholders without being a SIP thing. BRUSS – all will be public process. Commitment in 2005-8 revise (*when). In 2008-12 would be necessary to implement at least 1 measure. But all this stuff, WHEN we do it, IF we do it, will be subject to public review.
- JEFF SCHOEPKE – frustration is that it seems like DNR is trying to push things through, one stakeholder was told to stop talking. BOB L – sense your frustration, also interest in doing as quickly as possible. We are trying to open the door on NSR ASAP. This really is a very bureaucratic process that won't have a lot of outcome.
- FASSBENDER – are other states committed to trigger prior to violation? Yes, agreed to regionally with Lloyd's counterpart. Trying to figure out why addressing that issue would delay things. Other states? LOPEZ – you are forgetting other stakeholders who are interested in having New Source Review not going away. Words of act say you have to be able to demonstrate maintenance going forward. FASSBENDER – so this is a continuing maintenance showing requirement, not a contingency plan. LOPEZ – contingency plan is part of maintenance plan. EAGAN- we are not committing to ANY specific measures, just to doing an evaluation. FASSBENDER – couldn't we have a trigger before violation but not implement control measures prior to violation? None of them are. MOONEY – ONLY one measure is required. EAGAN- this is as wishy-washy as we can get EPA to approve. MOONEY – the only situation that might consider a sub-violation trigger is if something happens like the NOx Sip call goes away.

LOPEZ – conformity. Need to readjust conformity budgets. Requirement to go back in and redo conformity assessments, not the budgets, based on attainment demo and base on Mobile6 transition.

Will be building budget based on other inventory updates and will revise that soon based on Mobile 6. Slight change but sets up new budgets that RPOs must deal with. Must have new budget for them to do new assessment against. Because of questions at last meeting, we held a special transportation meeting last month. Budgets pretty much the same (?). Saw slight NOx increase 1990-99 compared with dramatic decrease in VOC. Have had a lot more diesel truck activity which generates more NOx emissions. So federal heavy-duty diesel standards are critical for us.

Where are we now? Trying to get stakeholder feedback. A little behind on emission inventories. At end of April will post public hearing notice and final inventories and plan structure. 40-day period till hearing. Keep comment period open another week or so, submit at end of June.

- STEVENS- so DNR don't plan to go to NRB? FASSBENDER – so this is a hearing required for a federal SIP. The package will be public noticed at end of month.

We will post all this stuff on the website. What Lopez would like to do – if inventories are solid earlier, will load to website sooner so people can look at them.

- Will try to post Bob's slides on website by end of this week. Plenty of opportunity to provide input. LLOYD- can always schedule special sessions.
- FASSBENDER- pretty much done with multi-state? EPA involved with those discussions? Yes. STEVENS – states using same lists of items? Yes, though IN and IL will probably add some individual items. STEVENS – so NO WI –ONLY contingency measures? No. All regional.